

THAD COCHRAN
MISSISSIPPI

AL-15-001-2205

United States Senate
WASHINGTON, DC 20510-2402

COMMITTEE ON
APPROPRIATIONS
CHAIRMAN

COMMITTEE ON
AGRICULTURE, NUTRITION,
AND FORESTRY

COMMITTEE ON
RULES AND
ADMINISTRATION

July 27, 2015

Please reply to:
190 East Capitol Street
Suite 550
Jackson, MS 39201
(601) 965-4459
(601) 965-4919 Telefax

Mrs. Gina McCarthy
Administrator
Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Mrs. McCarthy:

Enclosed is correspondence sent to me by Attorney Daniel H. Sparks. Any assistance or input you can provide Mr. Sparks and his clients would be deeply appreciated.

Sincerely,



THAD COCHRAN
United States Senator

TC/kc

Enclosure

Coalter, Kim (Cochran)

From: Daniel H. Sparks <daniel@sparksllawpllc.com>
Sent: Monday, July 27, 2015 12:05 PM
To: Coalter, Kim (Cochran)
Subject: EPA issue with Tishomingo County Clients

Kim,

We spoke via phone a few weeks back concerning my effort to assist my clients to a resolution with the Environmental Protection Agency. You did not appear to have a file open concerning the matter.

The EPA filed suit against PowerTrain, Inc., Wood Sales Company, Inc., Tool Mart, Inc. in case styled 1:09-cv-00993-RBW for alleged violations of the Clean Air Act. A final settlement by Consent Decree was reached in this case in 2011. My clients have paid fines in excess of \$2,000,000.00, destroyed thousands of dollars of product, and offset 152 tons of HC and NOx and 4533 tons of Carbon monoxide.

The decree did allow my clients to resume importation of engines and production of product with a Corporate Compliance Plan and a Pre-Import Program. The clients have attempted several lines of communication with the EPA for assistance, including the small business liaison service without much headway. They have now reached out to our office to help them return to production.

In their notes at some point they had contacted Senator Cochran's office and had provided me your contact information. This is why I am reaching out to you. We simply want to assist the businesses to return to production which will allowing them to add jobs to a viable business here in Tishomingo County. The issues with the EPA have been very frustrating and the agency has not followed through with the assurances that it made my clients on several issues.

Please let me know if you or your office can provide guidance concerning the EPA relationship and possible contacts that we make begin our inquiries or if this is a matter better suited for Senator Wicker's office as he appears to be on the subcommittee on Clean Air and Nuclear Safety.

I look forward to your response and appreciate your time.

Sincerely,

Daniel H. Sparks

Sparks Law Firm, PLLC
103-A Courthouse Square
P.O. Box 2610
Oxford, MS 38655
662-234-4600(p)
662-234-4050(f)

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United States Senate

WASHINGTON, DC 20510

July 21, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

The Honorable Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Administrator McCarthy, Secretary Vilsack, and Director Donovan:

We are deeply concerned about the White House's attempt to regulate CO₂ emissions from existing power plants without appropriate factual analysis. We believe Mississippi has been treated unfairly and disproportionately under the Clean Power Plan compared to the vast majority of states.

Utilities in Mississippi have made significant investments over the past several years, substantially reducing the state's carbon intensity, particularly at Grand Gulf and the Kemper facility. These early, strategic investments, which led to Mississippi's ranking as the 13th best CO₂ emission rate in 2012, are not only ignored by EPA but punished under the proposed rule. The rule would force Mississippi to have the 12th lowest (most difficult) goal among the states, even though this goal is much lower than the new source standard and national average.

In fact, EPA's goal is so difficult that Mississippi would have the third largest carbon cost recovery index and the third highest marginal cost of carbon reduction, according to Fitch Ratings Analysis. Given the state's low median household income and the percentage of income devoted to electricity costs, it is clear that EPA performed insufficient analysis on the rule's impact at the state level.

EPA has touted the Clean Power Plan's flexibility through its four "Building Blocks" used to calculate the state goal. However, the reductions associated with each individual building block are so stringent and aggressive that there is no ability to achieve any of them, discrediting the notion of flexibility.

Moreover, Mississippi's energy production could be severely limited by the re-dispatching of generation resources to reflect a 70 percent natural gas combined cycle capacity factor. This requirement, when combined with the unattainable renewable energy and energy efficiency targets, places every coal-fired facility in Mississippi at risk of being prematurely shut down. Many of these facilities have installed, or are currently installing, very expensive equipment in response to prior EPA rules. Under the new proposal, these pollution control assets could be stranded, with some possibly never being placed into service.

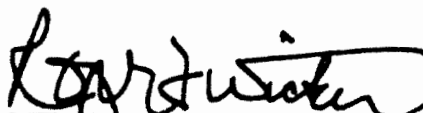
A rural electric generation and transmission cooperative is one of the utilities in Mississippi that has a coal-fired facility at risk for early retirement. The forced shutdown of this facility could jeopardize taxpayer-backed Rural Utilities Service loans. If Mississippi ratepayers cannot pay the costs of complying with the Clean Power Plan, their entire loan portfolio may be at risk. There is a strong federal interest that exists for rural electrification, and it should not be sacrificed for EPA's goals.

In closing, we encourage a review of the rule as applied to Mississippi. We urge you to ensure that a full, factual investigation has been done to demonstrate that carbon reduction goals are achievable at a reasonable cost.

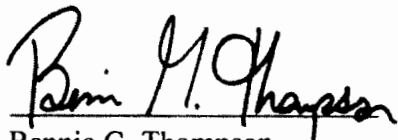
Sincerely,



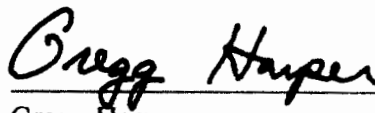
Thad Cochran
United States Senator



Roger F. Wicker
United States Senator



Bennie G. Thompson
United States Congressman

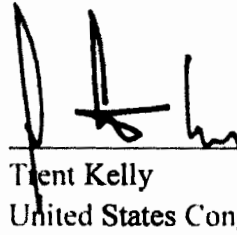


Gregg Harper
United States Congressman

15-001-1803



Steven M. Palazzo
United States Congressman



Trent Kelly
United States Congressman

United States Senate

WASHINGTON, DC 20510

June 17, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy,

We are concerned that the Environmental Protection Agency (EPA) is overlooking important consequences that will result if its proposal to significantly reduce National Ambient Air Quality Standards (NAAQS) for ground level ozone is finalized. As healthcare professionals we rely upon the most accurate health data. From this vantage, we believe that the proposal's harm outweighs its claimed benefits and are concerned that it could ultimately undermine our constituents' health. In light of the significant ongoing improvements to air quality, progress that will continue even without new regulations, we encourage EPA to maintain the existing NAAQS for ground level ozone.

We support better air quality and are proud of the progress on air quality that this country has made since Congress passed the Clean Air Act. According to EPA's data, emissions of ozone precursors have been cut in half since 1980, resulting in a 33 percent drop in ozone concentrations in the U.S.¹ EPA projects that air quality will continue to significantly improve as states implement federal measures already on the books, including the current ozone NAAQS set in 2008. We note that EPA delayed implementing that standard from 2010-2012 while it considered replacing it with standards similar to those it is now proposing – a reconsideration that the White House ultimately abandoned in light of the high economic impact.

In the face of this continuing improvement to air quality, EPA has asserted more stringent ozone standards are necessary to protect public health. For example, EPA has claimed that reducing ozone-forming emissions will counteract asthma prevalence. However, according to the EPA and the Centers for Disease Control and Prevention, asthma prevalence has increased by 15 percent since 2001², while ozone concentrations have decreased by 18 percent³ during the same time period. This lack of correlation highlights important questions concerning the validity of EPA's conclusions.

Stakeholders have raised even more fundamental concerns regarding the science and estimated health benefits that are critical to the proposal's justification. For example, EPA

¹ EPA. "National Trends in Ozone Concentrations in 1990-2013," <http://www.epa.gov/airtrends/ozone.html>.

² Centers for Disease Control and Prevention. "Trends in Asthma Prevalence 2001-2010," http://www.cdc.gov/nchs/data/databriefs/db94_tables.pdf#1.

³ EPA. "National Trends in Ozone Concentrations in 1990-2013," <http://www.epa.gov/airtrends/ozone.html>.

concluded that four controlled exposure studies^{4,5,6,7} where healthy young adults were exposed to ozone or filtered air for 6 hours during and after which their lung function was measured support lowering the ozone standard. EPA indicated that these studies support this conclusion, because the authors found temporarily reduced lung function and more respiratory symptoms at exposures below or equal to 0.072 ppm.⁸ Each of these studies, however, evaluated fewer than 60 people. We believe the limited number of subjects studied impacts the quality of data needed to make informed health-based determinations. Importantly, few of these subjects experienced a loss of more than or equal to 10 percent of their baseline lung function in ozone exposures below 0.080 ppm. This is EPA's current benchmark for ozone response. Furthermore, one study reports that just three subjects had more than or equal to a 10 percent response at 0.060 ppm,⁹ and in another study, only six subjects had such a response at 0.072 ppm.¹⁰ These studies also involved individuals performing nearly constant exercise for long periods of time, leading to unrealistically high exposure scenarios not experienced by most people, including children and other sensitive subgroups, in the ordinary course of their lives. Thus, these studies' findings are again far too limited to be appropriately applied to the general U.S. population, or, for that matter, to groups of sensitive individuals in the population. As a whole, these controlled exposure studies do not support the necessity for a lower standard.

EPA also bases its decision to lower the current ozone standard in part on "a large number" of new epidemiology studies investigating health effects associated with both short- and long-term ozone exposures. EPA concluded that short-term ozone exposure causes respiratory effects and is "likely" associated with cardiovascular effects and all-cause mortality, while long-term exposure is "likely" associated with respiratory morbidity and mortality.¹¹ However, EPA concluded that a number of errors in the ozone epidemiology studies limit their use for risk assessment.¹² For these same reasons, we believe that these studies are not adequate and do not support a lower standard.

While the benefits from this proposal are questionable, the costs are real. EPA's proposed ozone standards are so stringent that they would not be met even in rural areas like the

⁴ Adams, WC. 2002. "Comparison of chamber and face-mask 6.6-hour exposures to ozone on pulmonary function and symptoms responses." *Inhal. Toxicol.* 14(7):745-764.

⁵ Adams, WC. 2006. "Comparison of chamber 6.6-h exposures to 0.04-0.08 ppm ozone via square-wave and triangular profiles on pulmonary responses." *Inhal. Toxicol.* 18(2):127-136.

⁶ Schelegle, ES; Morales, CA; Walby, WF; Marion, S; Allen, RP. 2009. "6.6-Hour inhalation of ozone concentrations from 60 to 87 parts per billion in healthy humans." *Am. J. Respir. Crit. Care Med.* 180(3):265-272.

⁷ Kim, CS; Alexis, NE; Rappold, AG; Kehrl, H; Hazucha, MJ; Lay, JC; Schmitt, MT; Case, M; Devlin, RB; Peden, DB; Diaz-Sanchez, D. 2011. "Lung function and inflammatory responses in healthy young adults exposed to 0.06 ppm ozone for 6.6 hours." *Am. J. Respir. Crit. Care Med.* 183:1215-1221.

⁸ EPA. 2014. "National Ambient Air Quality Standards for Ozone (Proposed Rule)." 40 CFR Parts 50, 51, 52, 53, and 58. Accessed at <http://epa.gov/glo/actions.html#nov2014>.

⁹ Kim *et al.* (2011).

¹⁰ Schelegle *et al.* (2009).

¹¹ 79 Fed. Reg. 75234 (Dec. 17, 2014)

¹² *Id.* at 75276

between income and public health, we are concerned that EPA's proposal will severely impact low income families, potentially forcing them to sacrifice basic human needs such as food, clothing or medical care. While cost of compliance is not a factor in determining NAAQS, we believe costs should be considered when, as here, they result in loss income associated with negative health effects.

Studies show that income is a key factor in public health, a link confirmed by our first-hand experience as medical professionals caring for patients, including the low income and uninsured. As well, stakeholders have noted serious questions regarding the health benefits EPA claims to support the proposal, and we are concerned that the uncertain benefits asserted by EPA in its ozone proposal will be overshadowed by its harm to the economy and human health. In light of the long-term continuing trend towards cleaner air, as well as ongoing work by states toward further improvements under existing regulations, we encourage EPA to protect American jobs, the economy, and public health by maintaining the existing ozone NAAQS.

Sincerely,

Bill Cassidy, M.D.
Bill Cassidy, M.D.
United States Senate

Michael Burgess, M.D.
Michael Burgess, M.D.
Member of Congress

John Barrasso
John Barrasso, M.D.
United States Senate

John Boozman
John Boozman, O.D.
United States Senate

Rand Paul
Rand Paul, M.D.
United States Senate


Earl L. 'Buddy' Carter
Earl Carter, Pharm.D.
Member of Congress

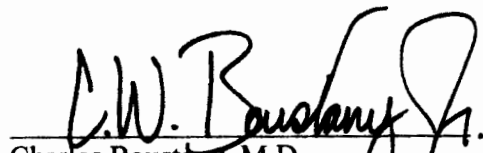
Phil Roe, M.D.
Phil Roe, M.D.
Member of Congress

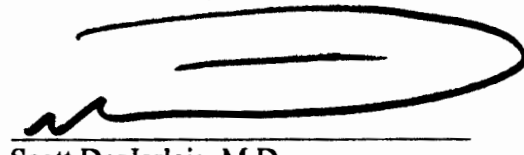
John Fleming, M.D.
John Fleming, M.D.
Member of Congress

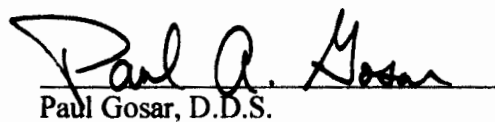
Ralph Abraham, M.D.
Ralph Abraham, M.D.
Member of Congress

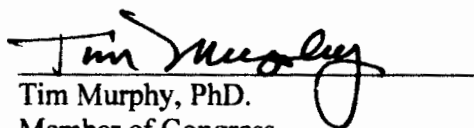
Diane Black
Diane Black, R.N.
Member of Congress

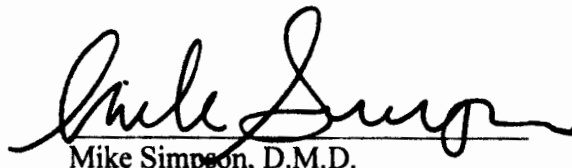

Brian Babin, D.D.S.
Member of Congress



Charles Boustany, M.D.
Member of Congress

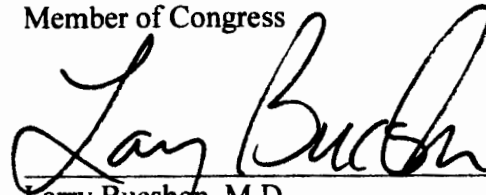

Scott DesJarlais, M.D.
Member of Congress


Paul Gosar, D.D.S.
Member of Congress

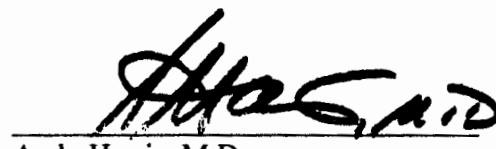

Tim Murphy, PhD.
Member of Congress



Mike Simpson, D.M.D.
Member of Congress



Dan Benishek M.D.
Member of Congress


Larry Bucshon, M.D.
Member of Congress


Renee Ellmers, R.N.
Member of Congress


Andy Harris, M.D.
Member of Congress


Tom Price, M.D.
Member of Congress


Brad Wenstrup, D.P.M.
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 23 2015

OFFICE OF
AIR AND RADIATION

The Honorable Michael Burgess, M.D.
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Burgess:

Thank you for your letter of June 17, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy recent Ozone National Ambient Air Quality Standards (NAAQS) proposed rule. The Administrator asked that I respond on her behalf.

As you know, the EPA sets NAAQS to protect public health and the environment from six common pollutants, including ground-level ozone. The Clean Air Act requires the EPA to review these standards every five years to ensure that they are sufficiently protective. On November 25, 2014, the EPA proposed to strengthen the NAAQS for ground-level ozone, based on extensive scientific evidence about ozone's effects, including more than 1,000 new studies since the last review of the standards. This large body of scientific evidence shows that short-term exposure to ozone can cause a broad range of respiratory effects – from inflammation of the airways to respiratory effects that can lead to increased use of medication, school absences, respiratory-related hospital admissions, and emergency room visits for asthma and chronic obstructive pulmonary disease. These types of effects have been observed at ozone concentrations allowed by the current ozone standard.

The proposal that the current primary ozone standard set at a level of 0.075 ppm should be revised to provide increased public health protection is supported by the independent group of science experts who form the Clean Air Scientific Advisory Committee. The proposed standard in a range of 0.065 ppm to 0.070 ppm will increase public health protection for millions of Americans, including for "at-risk" populations such as children, older adults, and people of all ages with asthma or other lung diseases, against an array of ozone-related adverse health effects.

We have made great progress in improving air quality and public health in the United States, and it has not come at the expense of our economy. Indeed, over the past 40 years, air pollution has decreased by nearly 70 percent while the economy has tripled.

Again, thank you for your letter. I have asked my staff to place it in the docket for the rulemaking. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe
Acting Assistant Administrator

AMY KLOBUCHAR
MINNESOTA

COMMITTEES:
AGRICULTURE, NUTRITION,
AND FORESTRY
COMMERCE, SCIENCE,
AND TRANSPORTATION
JOINT ECONOMIC COMMITTEE
JUDICIARY
RULES AND ADMINISTRATION

United States Senate
WASHINGTON, DC 20510

July 2, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

The Honorable Shaun Donovan
Director
Office of Management and Budget
1650 Pennsylvania Avenue, NW
Washington, DC 20503

Dear Administrator McCarthy and Director Donovan:

Reducing carbon emissions from existing power plants through the Clean Power Plan is a goal that we share and I am supportive of your efforts to finalize the plan in the coming months. As you work to finalize the details of the proposed rule, I ask that you ensure that states like Minnesota are rewarded for early action taken on clean energy measures and that renewable energy generation across state lines is credited when calculating states' target goals.

Minnesota has established itself as a clean energy leader and has been at the forefront in employing aggressive renewable mandates and efficiency standards. Many utilities in the state have voluntarily done the right thing and invested in the transition to wind and natural gas combined-cycle generation, as well as upgraded equipment to improve pollution control. These actions and investments should be held as a positive example for other states. Instead of asking them to pay twice, the final rule should account for their initial action.

Consumers in Minnesota paid for and continue to benefit from renewable energy generated outside of our state's borders from clean sources such as wind power. For example, this year Duluth-based Minnesota Power completed a 205-megawatt expansion to an existing wind facility in North Dakota sending up to 500-megawatts of renewable electricity across a 465-mile existing direct current line to consumers in Duluth, Minnesota. The final rule should clarify that these investments would be credited toward Minnesota's targets defined by the Clean Power Plan.

Thank you for your efforts on this issue and I look forward to working with you to implement a final rule that keeps Minnesota at the forefront of renewable energy generation while cutting carbon emissions from existing power plants.

Sincerely,


Amy Klobuchar
United States Senator

AMY KLOBUCHAR
MINNESOTA

COMMITTEES:
AGRICULTURE, NUTRITION,
AND FORESTRY
COMMERCE, SCIENCE,
AND TRANSPORTATION
JOINT ECONOMIC COMMITTEE
JUDICIARY
RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510

August 4, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
Headquarters, U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314

Re: Docket ID No. EPA-HQ-OW-2011-0880

Dear Administrator McCarthy and Assistant Secretary Darcy:

I am writing with regard to the above rule, commonly known as "Waters of the US." I urge you to include in the implementation guidance the following concerns expressed to me by leaders in rural Minnesota.

- Clarify the term "drain" with respect to which portion of ditches will be considered jurisdictional when draining a wetland.
- Establish clear parameters on historical data to define the presence of ordinary high water marks, bed and banks, floodplains, and ditches that have been relocated or excavated in a tributary.
- Explicitly note that desktop computer software and aerial photography used to make determinations of ordinary high water marks and beds and banks will be confirmed by field inspections.
- Clarify the change in definition of a tributary by explaining if "physical indicators" means that beds and banks and ordinary high water marks do not have to be physically present for a tributary to be indicated as jurisdictional.
- Clarify that administrative records for case-specific jurisdictional determinations for waters like prairie potholes will be publicly available and accessible.

I ask for these clarifications as part of my continued efforts to find a workable balance between protecting our nation's waters and addressing the concerns of rural counties and agricultural producers.

Thank you for your attention to this important issue.

Sincerely,


Amy Klobuchar
United States Senator

AL-15-001-2588



OCT - 2 2015



The Honorable Amy Klobuchar
United States Senate
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter of August 4, 2015, regarding the Department of the Army's and the Environmental Protection Agency's final rule defining the scope of waters that are and are not protected under the Clean Water Act. We appreciate your work with leaders in rural Minnesota on these issues. The agencies worked to ensure the Clean Water Rule creates no new regulatory demands on the nation's farmers, ranchers, and foresters. Because the Clean Water Rule will help us to make the process of identifying waters more transparent and predictable, and less costly, the agencies do not intend to issue lengthy implementation guidance. Rather, the agencies are providing questions and answers to the public on an ongoing basis and we greatly appreciate the questions that have been expressed to you. We will work quickly to address the concerns you raised and provide additional clarity on the EPA's and the Corps' websites.


The jurisdictional status of ditches was of particular importance to the agricultural community and the rule explicitly excludes a number of types of ditches, including ditches with intermittent flow except where the ditch is excavated in or relocates a covered tributary, or drains wetlands. Where an excluded ditch drains a wetland, the segment of the ditch that physically intersects the wetland would be considered jurisdictional and the upstream and downstream portions of the ditch will be assessed based on the specific facts to determine their status under the rule. We agree that it would be helpful to the public to provide additional questions and answers on implementation of this aspect of the rule, and we will do so.

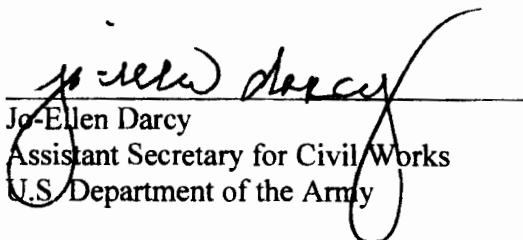
Your letter also conveyed some concerns about tributaries under the rule. The rule defines "tributary" by emphasizing both the physical characteristics of a bed and banks and ordinary high water mark that result from sufficient volume, frequency and duration of flow, and that the water contributes flow, either directly or through another water, to a traditional navigable water, interstate water, or the territorial seas. This two-part definition is based on the best available science, intent of the CWA, and case law, and does not expand upon current practice. The agencies currently use many tools in identifying tributaries and will continue to rely on their experience and expertise in identifying the presence of a bed and banks and ordinary high water mark, including direct field observation, and other evidence that may establish the presence of these physical characteristics. Agency staff will rely on the most accurate data available to them and may, based on individual circumstances, determine that field verification is necessary. These available data can include accurate field data provided by the landowner or permit applicant. We agree that it would be helpful to the public to provide additional information on the EPA's on the Corps' websites about the types of information the agencies will use to make these determinations, and we will do so.

Finally, there is a consensus that improving transparency is an important aspect of implementing the Clean Water Rule. Beginning August 28, 2015, all approved jurisdictional determinations made under the Clean Water Rule will be published and made publicly accessible on Corps and EPA webpages. This will include any approved jurisdictional determinations made for waters under (a)(7) and (a)(8) of the rule, such as prairie pothole wetlands, which require a case-specific significant nexus analysis.

Thank you again for your thoughtful letter. Please feel free to contact us if you have any questions on this important issue, or your staff may call Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations at borum.denis@epa.gov or (202) 564-4836; or Gib Owen in the Office of the Assistant Secretary of the Army (Civil Works) at gib.a.owen.civ@mail.mil or (703) 695-4641.

Sincerely,


Kenneth J. Kopocius
Deputy Assistant Administrator
Office of Water
U.S. Environmental Protection Agency


Jo-Ellen Darcy
Assistant Secretary for Civil Works
U.S. Department of the Army

AL-15-001-1506

MICHAEL M. HONDA

17th District, California

WASHINGTON OFFICE

1713 Lohrway, N.E. House Office Building

Washington, DC 20515

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DISTRICT OFFICE

2003 Gateway Plaza

Suite 670W

San Jose, CA 95119

Phone: (408) 436-2720

(408) 436-3739

Fax: (408) 436-2721



Congress of the United States House of Representatives

July 09, 2015

Cynthia Giles

Assistant Administrator of Enforcement and Compliance Assurance

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, Room 3426 ARN

Washington, DC 20460

Dear Assistant Administrator Giles:

I am writing to inquire about the status of the Environmental Protection Agency's investigation into violations of the Clean Air Act by the Lehigh Southwest Cement Plant in Cupertino, California. This case is important to the constituents in the 17th Congressional District of California, which includes the City of Cupertino, because they are directly exposed to any pollution from the plant.

Investigations have been ongoing since EPA issued a Notice of Violation (NOV) of the Clean Air Act in March 2010. I have monitored the proceedings throughout the intervening years – I brought the subject up when speaking with Administrator Gina McCarthy in 2014 and my staff has repeatedly spoken with Region IX staff seeking information.

I commend the recent actions of EPA and the State of California to ensure the rigorous enforcement of the Clean Water Act through the terms of the Consent Decree entered into with Lehigh. The Consent Decree's monitoring and reporting requirements for the plant should help prevent future illegal air pollution, but they are only effective if subjected to continued vigilance from the overseeing agencies.

The June 2015 actions taken by EPA and the State only pertain to the violations to the Clean Water Act, however, and do not address the plant's issues with air pollution. The plant's kilns, which emit dangerous pollutants like particulate matter and mercury, are of great concern to my constituents and me, and my constituents have been anxiously waiting since the 2010 NOV of the Clean Air Act. I would appreciate it if your office could provide me a detailed update as to the status of this case and what steps are being taken to bring Lehigh Southwest Cement Plant under compliance.

Thank you for work on this matter, and I look forward to hearing from you soon.

Sincerely,

Michael M. Honda

Member of Congress

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON

COMMERCIAL, ECONOMIC, AND

LABOR, HEALTH, AND HUMAN SERVICES

LEGISLATION

SENATOR WENDY

WEBER

CONGRESSMAN ADAM PATER

AMERICAN OVERSIGHT AND ACCOUNTABILITY

SENATOR DEREK DOUGLAS

CONGRESSMAN LANCE

LEGISLATION

LEGISLATION

LEGISLATION

LEGISLATION

AL-15-001-1506



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 18 2015

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable Michael M. Honda
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Honda:

Thank you for your letter of July 9, 2015, in which you request a status report on the U.S. Environmental Protection Agency's (EPA) investigations into violations of the Clean Air Act at the Lehigh Southwest Cement Plant in Cupertino, California. I appreciate the concerns and continued interest that you and your constituents express regarding air emissions from this facility.

We continue to focus on air emissions from the Cupertino facility. As you are aware, the EPA issued a Notice of Violation on March 10, 2010, alleging violations of the Act's Prevention of Significant Deterioration Program. On May 23, 2012, we also issued an additional information request to the company under Section 114 of the Clean Air Act.

We are in discussions with the company to resolve the issues identified in the May 10, 2010, Notice of Violation. Unfortunately, I cannot share any further details of our ongoing efforts at this point. Because of the sensitivity of pending enforcement actions, the EPA does not disclose information that may interfere with active investigations, settlement negotiations, or litigation. These confidentiality considerations prevent me from sharing any information beyond the information above. However, I will share documents and information with your office as they become publicly available.

Again, thank you for your letter. If we can be of further assistance, please contact me, or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at Snyder.Raquel@epa.gov or (202) 564-9586.

Sincerely,

A handwritten signature in black ink, which appears to read "Cynthia Giles", is written over the typed name.

Cynthia Giles

AL-15-000-9433



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 27 2015

The Honorable Debbie Stabenow
United States Senate
Washington, DC 20510

THE ADMINISTRATOR

Dear Senator Stabenow:

I write to follow up on our conversation discussing the Environmental Protection Agency and Army Corps of Engineers joint rulemaking, the Clean Water Rule, and your strong interest in knowing how the rule could affect America's agriculture economy. In our discussion, you made it clear that the Clean Water Rule should create no new permitting demands on agriculture, ranching, and forestry, and I write to reinforce my assurance that is the outcome of the new rule.

In the Clean Water Rule, the agencies respond to two Supreme Court decisions in 2001 and 2006 that made it complex and confusing to tell what waters are covered under the Clean Water Act. The agencies did not set out to expand the scope of waters protected from pollution and destruction, and the agencies ensured that the final rule does not do that. Instead, the EPA and the U.S. Army Corps of Engineers make the process for identifying waters protected under the Clean Water Act easier to understand, more predictable, and consistent with the law and the latest science.

Rather than creating any new permitting requirements on farmers, the Clean Water Rule provides greater clarity and certainty, and it does not add economic burden on agriculture. Farms across America depend on clean, reliable water for livestock, crops and irrigation. This rule protects water sources without getting in the way of farming, ranching, and forestry.

In developing the rule, the EPA and the Army Corps listened carefully to input from the agriculture community, the U.S. Department of Agriculture, and state Departments of Agriculture. Agriculture groups raised important questions about what it means for waters to be "covered" or "jurisdictional" under the Clean Water Act.

The Act requires a permit if a covered water body is going to be polluted or destroyed. However, agricultural activities like planting, harvesting and moving livestock across a stream have long been excluded from permitting, and that does not change under the rule. In other words, farmers and ranchers do not need a permit for normal agricultural activities that happen in and around those waters.

After releasing the proposed rule last year, the agencies held more than 400 meetings with stakeholders across the country to provide information, hear concerns and answer questions. EPA officials visited farms in Arizona, Colorado, Maryland, Mississippi, Missouri, New York, Pennsylvania, Texas, and Vermont. The 207-day public comment period on the proposed rule

resulted in more than one million comments. All of this public input helped to shape the final Clean Water Rule.

Input from the agricultural, ranching and forestry communities led to several improvements in the final Clean Water Rule:

- Defining tributaries more clearly. The rule is precise about the streams being protected so that it could not be interpreted to pick up erosion in a farmer's field.
- Providing certainty in how far safeguards extend to nearby waters. The rule sets boundaries on covering nearby waters that for the first time are physical and measurable. For example, jurisdictional adjacent waters must be in the 100-year floodplain and must be no more than 1,500 feet from a jurisdictional water. Automatic jurisdiction cannot extend to waters subject to normal farming, ranching, or forestry. The agencies limited the waters subject to a case-specific significant nexus analysis to waters within 4,000 feet of a jurisdictional water, or within the 100-year floodplain. No longer is every water everywhere subject to a case-specific analysis as is the situation today.
- Focusing on streams, not ditches. The rule limits protection to ditches that are constructed out of streams or that function like streams and can carry pollution downstream. Constructed ditches that flow only when it rains are not jurisdictional.

In developing the rule, the agencies were sure to preserve all existing permitting exemptions for agriculture, ranching and forestry. Exempt from permitting:

- Normal farming, silviculture, and ranching practices -these activities include plowing, seeding, cultivating, minor drainage, and harvesting for production of food, fiber, and forest products.
- Soil and water conservation practices in dry land.
- Agricultural stormwater discharges.
- Return flows from irrigated agriculture.
- Construction and maintenance of farm or stock ponds or irrigation ditches on dry land.
- Maintenance of drainage ditches.
- Construction or maintenance of farm, forest, and temporary mining roads.

The agencies also preserve and expand upon common sense exclusions from jurisdiction that specifically benefit agriculture, ranching and forestry. Excluded from jurisdiction:

- Prior converted croplands.
- Waste treatment systems (including treatment ponds or lagoons).
- Artificially irrigated areas that are otherwise dry land.
- Artificial lakes or ponds constructed in dry land and used for purposes like rice growing, stock watering, log cleaning, irrigation, or aesthetics.
- Water-filled depressions created as a result of construction activity.
- Pits excavated in dry land for fill, sand, or gravel.
- Grassed swales.
- Groundwater, including shallow subsurface flows and tile drains.

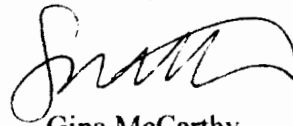
I can reiterate that the rule does not protect any types of waters that have not historically been covered by the Clean Water Act, and it does not create any new permitting requirements for

agriculture. The rule does not interfere with or change private property rights, and it does not make changes to current policies on irrigation or water transfers.

Thank you for your interest in the Clean Water Rule. I remain committed to ensuring that the Clean Water Act protects those waters that should be protected as Congress intended and the Supreme Court has instructed, all the while ensuring that America's agriculture economy can continue to provide the food, fuel and fiber we all rely upon without new requirements.

Again, thank you for your interest in this important matter. If you have further questions, feel free to contact me or your staff may contact Denis Borum in our Office of Congressional and Intergovernmental Relations at 202-564-4836 or borum.denis@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a stylized, flowing script.

Gina McCarthy

Congress of the United States
Washington, DC 20515

June 12, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Room 1101A
Washington, DC 20460

Dear Administrator McCarthy:

We are writing on behalf of the Kohler Co., a major employer in our districts in Wisconsin, Texas, and South Carolina. We write to inquire about the collection of specific data gathered by the Environmental Protection Agency (EPA) used for the formation of the final Clay MACT rule, NESHAP for Clay Ceramics Manufacturing. There are concerns that this data has led to artificially and unattainably low national emission standards set forth in the final rule.

Past letters expressed our concerns with EPA's rulemaking process in regards to this matter in 2011 and 2013, and are disappointed in the Agency's inattentiveness to this issue.

It is our recommendation that EPA reassesses and revises the final Clay MACT rule based on EPA's flawed and improper data collection methods. Based on a peculiarity of the Clean Air Act and the current narrowly written rule, Kohler Co. would be solely and unfairly affected by Clay MACT. If implemented, this rule could lead to significant undue burdensome and superfluous costs to Kohler facilities that would negatively impact jobs in our regions and consumers across the country.

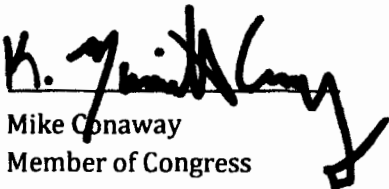
We believe that the flawed national emissions baseline used in EPA's final rule is grounded on misleading and inaccurate test data from a wet scrubber emissions control device installed on a new tunnel kiln at a manufacturing facility in Spartanburg, South Carolina. The device was installed in 2005 to comply with the original Clay MACT rule that was subsequently vacated by the U.S. Court of Appeals for the District of Columbia in 2007. Following the court ruling, the Spartanburg facility permanently shut down the emission control device and continued to operate the tunnel kiln under the terms of the air permit.

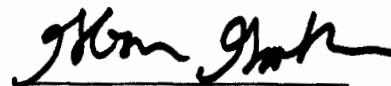
This device remained idle until EPA later reassessed the vacated rule and demanded – under threat of EPA enforcement action – to have the emission control device re-enabled in August 2010 for data gathering purposes only. The data collected by EPA during the time with the wet scrubber in operation was used to determine national emission standards for "existing source" kilns in the Clay MACT rule, despite the fact that the kiln was permitted to operate without the control device.

EPA's use of emissions data from a defunct control device that was not listed in any air permit, not required by any rule, and had not been operated in approximately 18 months is an inappropriate approach to rulemaking and is a clear dereliction of EPA's obligations. When EPA is issuing regulatory actions, it is incumbent upon the Agency to consider appropriate data in setting a regulatory floor for emissions. The EPA should be using the best available and representative data in any final rule and the final Clay MACT rule is no exception.

Again, we recommend that EPA re-examine its data collection methods and revise Clay MACT to accurately reflect a true national emission baseline standard for existing sources when finalizing this rule. We believe it is important that the standards developed by EPA ensure that the environment and public health are protected while not causing undue economic harm to our economy.

Sincerely,


Mike Conaway
Member of Congress


Glenn Grothman
Member of Congress


Trey Gowdy
Member of Congress

15-001-0240



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 30 2015

OFFICE OF
AIR AND RADIATION

The Honorable Mike Conaway
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Conaway:

Thank you for your letter of June 12, 2015, on behalf of the Kohler Company to U.S. Environmental Protection Agency Administrator Gina McCarthy, commenting on the proposed Clay Maximum Achievable Control Technology (MACT) rule. The Administrator asked that I respond on her behalf.

In your letter, you express concern regarding the use of certain test data for the upcoming final Clay MACT rule, specifically, data from a controlled tunnel kiln at a sanitary ware facility in Spartanburg, South Carolina. We have placed your comments in the docket for this rulemaking. During the comment period for this rulemaking, which closed on March 19, 2015, the EPA received a comment regarding the use of data gathered from this particular source. This comment will be addressed in the response to comments document that will be made available in the docket for the final rule (Docket ID Number EPA-HQ-2013-0290). EPA is under a court order to issue the final National Emission Standards for Hazardous Air Pollutants (NESHAP) for Brick and Structural Clay Products Manufacturing, and Clay Ceramics Manufacturing, by September 24, 2015.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202)564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is located below the word "Sincerely,".

Janet G. McCabe
Acting Assistant Administrator

Congress of the United States
Washington, DC 20515

June 25, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We are writing to request an update on the status of the Superfund remediation efforts for the **Folcroft Landfill** and the **Folcroft Annex Site** (collectively, "Folcroft Landfill") which were added to the Superfund national priorities list in 2001 as part of the Lower Darby Creek Area Superfund site. These properties were purchased by The Department of Interior (DOI) in 1980 for incorporation into the Tinicum Wildlife Refuge (now known as the John Heinz National Wildlife Refuge) with authorization from Congress (P.L. 96-315). Congress also directed the Environmental Protection Agency (EPA) Administrator to work closely with the FWS to determine potential environmental health hazards resulting from the land's historic use, and appropriated nearly \$20 million for the development of the Refuge and maintenance of the property.

The John Heinz National Wildlife Refuge is recognized as the nation's most urban wildlife refuge. As Congress originally directed, the cleanup process of this property should be completed in a cost-effective and timely fashion. Please provide a thorough update of the status of the Superfund process, as well as the timeline and cost estimates to finalize the cleanup of the Folcroft landfill. Specifically, please provide responses to the following questions:

1. **Remedial Investigation and Feasibility Study (RI/FS):** What is the cost and timeline for completion of the RI/FS? What investigational work has EPA required beyond the original work plan? Why was this work requested, and what were the findings? What investigative work remains to be completed before a feasibility study can be prepared? Has this additional work been required for the entire Lower Darby Creek Superfund site? What considerations have been given by EPA to sever the bedrock aquifer investigation from the Folcroft Landfill Operable Unit to streamline the entry of a record of decision for this Operable Unit?
2. **Management of the RI/FS:** Has the single listing of the two separately owned and operated sites within the Lower Darby Creek site streamlined the Superfund process? Why is the process for the Folcroft Landfill being led by a group of PRPs while the EPA is leading the process for the Clearview Landfill?
3. **Record of Decision (ROD).** What is the timeline for the EPA to enter an ROD for the Folcroft Landfill? Does the site present an unacceptable risk to human health, and what are the risks for air, water, and soil exposures? What cleanup standards would apply if

this site were a Pennsylvania Department of Environmental Protection Act 2 site? Have areas in and around the Lower Darby Creek Superfund Site been determined to be non-use aquifers by the Pennsylvania DEP? Are there any factors affecting the Folcroft Landfill that would prevent EPA from pursuing a risk-based approach?

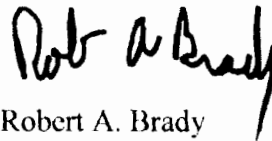
4. **Remedial action:** Who will lead implementation of the preferred remedial action?
5. **PRPs:** What enforcement actions will be taken against non-participating responsible parties, including other federal agencies that contributed waste to the site?
6. **Federal ownership.** Is cleanup of the Folcroft landfill fully compliant with all of the timelines and reporting requirements governing federal facility cleanups? What will be the Department of Interior's role in the remedial action and ongoing site maintenance? What is the range of costs that could be incurred by the Department of Interior for remedial action and future maintenance of the site? Are these costs being properly reported as liabilities on DOI's annual financial statements?

Thank you for providing us with responses to these questions. We fully appreciate the work done by your agency to protect our most precious lands. We believe that we share the goal of completing the cleanup of the Lower Darby Creek Superfund site in a timely fashion. If you have any questions regarding my inquiries, please do not hesitate to contact our offices.

Sincerely,



Patrick Meehan
Member of Congress



Robert A. Brady
Member of Congress

AL-15-001-0874

Congress of the United States
Washington, DC 20515

June 25, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We are writing to request an update on the status of the Superfund remediation efforts for the Folcroft Landfill and the Folcroft Annex Site (collectively, "Folcroft Landfill") which were added to the Superfund national priorities list in 2001 as part of the Lower Darby Creek Area Superfund site. These properties were purchased by The Department of Interior (DOI) in 1980 for incorporation into the Tinicum Wildlife Refuge (now known as the John Heinz National Wildlife Refuge) with authorization from Congress (P.L. 96-315). Congress also directed the Environmental Protection Agency (EPA) Administrator to work closely with the FWS to determine potential environmental health hazards resulting from the land's historic use, and appropriated nearly \$20 million for the development of the Refuge and maintenance of the property.

The John Heinz National Wildlife Refuge is recognized as the nation's most urban wildlife refuge. As Congress originally directed, the cleanup process of this property should be completed in a cost-effective and timely fashion. Please provide a thorough update of the status of the Superfund process, as well as the timeline and cost estimates to finalize the cleanup of the Folcroft landfill. Specifically, please provide responses to the following questions:

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2. **Management of the RI/FS:** Has the single listing of the two separately owned and operated sites within the Lower Darby Creek site streamlined the Superfund process? Why is the process for the Folcroft Landfill being led by a group of PRPs while the EPA is leading the process for the Clearview Landfill?
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this site were a Pennsylvania Department of Environmental Protection Act 2 site? Have areas in and around the Lower Darby Creek Superfund Site been determined to be non-use aquifers by the Pennsylvania DEP? Are there any factors affecting the Folcroft Landfill that would prevent EPA from pursuing a risk-based approach?

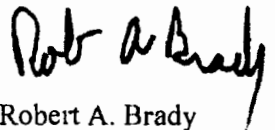
4. **Remedial action:** Who will lead implementation of the preferred remedial action?
5. **PRPs:** What enforcement actions will be taken against non-participating responsible parties, including other federal agencies that contributed waste to the site?
6. **Federal ownership.** Is cleanup of the Folcroft landfill fully compliant with all of the timelines and reporting requirements governing federal facility cleanups? What will be the Department of Interior's role in the remedial action and ongoing site maintenance? What is the range of costs that could be incurred by the Department of Interior for remedial action and future maintenance of the site? Are these costs being properly reported as liabilities on DOI's annual financial statements?

Thank you for providing us with responses to these questions. We fully appreciate the work done by your agency to protect our most precious lands. We believe that we share the goal of completing the cleanup of the Lower Darby Creek Superfund site in a timely fashion. If you have any questions regarding my inquiries, please do not hesitate to contact our offices.

Sincerely,



Patrick Meehan
Member of Congress



Robert A. Brady
Member of Congress

AL-15001-0874



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

AUG 11 2015

The Honorable Robert A. Brady
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Brady:

Thank you for your June 25, 2015 letter to U.S. Environmental Protection Agency (EPA) Administrator Gina McCarthy concerning the Folcroft Landfill and the Folcroft Annex (collectively, Folcroft Landfill), which is part of the Lower Darby Creek Area (LDCA) Superfund Site located in Delaware County, Pennsylvania.

The LDCA Site includes two landfills, the Folcroft Landfill and the Clearview Landfill. EPA did not list the two landfills together as one Site with the intent of streamlining the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process. EPA listed the landfills as one Site because of their proximity to each other, and the fact that they are both potentially impacting the same portion of the Darby Creek watershed. Using EPA's Hazard Ranking System, the landfills were determined to have hazardous substances at significant enough concentrations to present a potential threat to human health and the environment. Both Landfills represent separate sources and, as a result, EPA has determined that it is necessary and appropriate to perform a remedial investigation (RI) and feasibility study (FS) at each in order to characterize site conditions and assess the risk each site presents to human health and the environment.

To date, EPA has designated three operable units (OU) at the LDCA. OU1 is the Clearview Landfill Soils and Waste; OU2 is the Folcroft Landfill; and, OU3 is the Clearview Landfill Groundwater. With respect to the Clearview Landfill, at OU1, EPA has performed an RI/FS and selected a remedy in a September 2014 Record of Decision. EPA is also implementing the Remedial Design for OU1. At OU3, EPA is currently performing the RI. In addition, while EPA continues to perform the work at the Clearview Landfill, it is also conducting a Potentially Responsible Party (PRP) search. As such, final decisions with respect to who will have the responsibility of implementing the selected remedy have yet to be determined.

With regard to OU2 (Folcroft Landfill), a group of PRPs is currently performing the RI/FS pursuant to an Administrative Order on Consent. Since the PRP group, rather than EPA, is performing the RI/FS, EPA does not have information about the costs for this work expended to date. In addition, EPA cannot, at this time, address who will implement the selected remedial action at the Folcroft Landfill and how the costs will be allocated among the PRPs. Those matters, as well as the Department of Interior's role in the remedial action, will be addressed in the future settlement negotiations to be led by the U.S. Department of Justice.



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With respect to the bedrock aquifer investigation at the Folcroft Landfill, during the course of the RI, EPA raised concerns to the PRP group about the potential for contaminated groundwater to move beyond the boundary of the landfill. This concern was based on data EPA had obtained from groundwater monitoring wells within the Folcroft Landfill boundary. In order to investigate this concern, EPA and the PRPs amended the RI/FS work plan. The resulting investigation showed that contaminated groundwater in the overburden aquifer did extend beyond the Folcroft Landfill waste boundary. EPA has, therefore, determined that more work is needed to determine if the overburden contamination has impacted the bedrock aquifer. The PRP group is investigating the bedrock aquifer. Once EPA assesses the data collected during that investigation, EPA and the Pennsylvania Department of Environmental Protection (PADEP) will determine whether the bedrock aquifer at the Folcroft Landfill should be designated as a separate OU for purposes of preparing a new RI/FS.

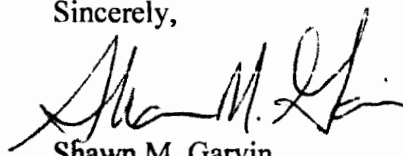
In response to your inquiry on the timeline for the Record of Decision for the Folcroft Landfill, EPA will have a more accurate estimate once the RI/FS is complete. Upon completion of the RI, EPA will evaluate the potential current or future risks to human health or the environment to determine if they warrant a response action under the CERCLA and the National Contingency Plan (NCP). If a response action is warranted, EPA will require the preparation of an FS. EPA will then prepare a Proposed Remedial Action Plan which will describe EPA's proposed remedy and solicit public comment on the proposal. After considering public comments, EPA will prepare a Record of Decision and Responsiveness Summary that identifies EPA's selected remedy.

If EPA determines that a response action under the CERCLA and the NCP is necessary at the Folcroft Landfill, EPA will develop risk-based cleanup standards in accordance with the NCP. In addition, CERCLA Section 121(d) requires that EPA attain or waive Federal environmental Applicable or Relevant and Appropriate Requirements (ARARs), or more stringent State environmental ARARs, upon completion of the remedial action. Therefore, as part of the remedy selection process, EPA will identify all potential ARARs, including Pennsylvania Act 2 cleanup standards which may apply. Presently, the Site is not being addressed under Pennsylvania Act 2.

Furthermore, at this time, EPA is not aware that PADEP has made any use determinations regarding the aquifer impacted by the Site. In accordance with the NCP, EPA expects to return ground waters to their beneficial uses wherever practicable, within a timeframe that is reasonable given the particular circumstances of the Site. EPA hopes that this information proves helpful to you in your understanding of the Site.

If you have any questions please do not hesitate to contact me or have your staff contact Mrs. Kinshasa Brown-Perry, EPA's Pennsylvania Liaison, at 215-814-5404.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn M. Garvin".

Shawn M. Garvin
Regional Administrator

United States Senate
WASHINGTON, DC 20510

May 8, 2015

The Honorable Jane Nishida
Office of International and Tribal Affairs
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Nishida:

I write to seek your assistance in resolving a serious matter involving *exempt b* of Lincoln, Nebraska, and the Environmental Protection Agency (EPA).

As a lifetime citizen of the Ponca Nation, *exempt b* was very active in the 1990 restoration of the Ponca Nation's status as a federally recognized sovereign tribe (P.L. 101-484). *exempt b* has been in contact with my office about the dispute resolution claim that is pending regarding a federal contract (EP-R7-08-15) with ASW Associates, Inc. Following completion of contract responsibilities, ASW Associates, Inc., requested payment for its services – unfortunately, remuneration for this contract was denied. Subsequently, ASW Associates, Inc., filed a claim for payment before the Civilian Board of Contract Appeals. I have enclosed a briefing paper, which is entitled "ASW Claim – CBCA #2326," and a chronological timeline for your review.

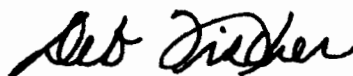
The lack of progress on this claim has intensified financial hardships for ASW Associates, Inc., and *exempt b*. Specifically, incomplete resolution of this situation has resulted in the loss of over 200 jobs in Nebraska, and the dissolution of a company that was valued in excess of \$20 million.

In 2013, I contacted the EPA's Region 7 office about this matter, and subsequently conveyed my concerns to EPA headquarters in 2014. Despite the fact that *exempt b* claim was filed in February 2011, this situation has yet to be successfully resolved. I request that you review *exempt b* case to ensure that there is no bias or discrimination. Additionally, I ask for your immediate review of the process for moving an alternative disputes resolution between ASW Associates, Inc., and the EPA.

exempt b I respectfully request the benefit of a formal reply. The federal government has failed *exempt b* who is a respected and lifetime member of the Ponca Nation.

Thank you for your time and assistance in addressing this serious matter.

Sincerely,



Deb Fischer
United States Senator

Lincoln Office
440 North 8th Street
Suite 120
Lincoln, NE 68508
(402) 441-4600
(402) 476-8753 (Fax)

Omaha Office
11819 Miracle Hills Drive
Suite 205
Omaha, NE 68154
(402) 391-3411
(402) 391-4725 (Fax)

Scottsbluff Office
1110 Circle Drive
Suite 12
Scottsbluff, NE 69361
(308) 630-2329
(308) 630-2321 (Fax)

Kearney Office
20 West 23rd Street
Kearney, NE 68847
(308) 234-2361
(308) 234-2684 (Fax)

Norfolk Office
Post Office Box 1021
Norfolk, NE 68701
(402) 200-8800

15-000-8952

ASW vs. USA and EPA Timeline of Critical Events	Date	Action Notations	Losses
ASW Contract Award	5/2/2003		Up to \$4M
ASW Small Business Award	6/15/2004	exempt	
Whistleblower performance evaluation. exempt	6/25/2006	exempt	
ANL Site Visit to ASW	9/2/2006	exempt	
ASW Self Reporting of billing errors	9/2/2006	ASW Staff	
ANL begins withholding contract funds	12/2/2006	exempt	
First learned of whistleblower case	12/2/2006	exempt	
Qui tam issue raised b exempt ANL	12/2/2006	exempt	
exempt Termination	1/2/2007	ANL	
ANL Withholding Payments	10/2/2006	\$350K Withheld	\$300K
ASW told they could resubmit for new contract	4/2/2007	exempt	
ASW inventories on government equipment, storage and wells provided to ANL	5/1/2007	ASW staff	
ASW hires Reid & Associates to do payroll review	Hocking & Reid	Hocking & Reid Staff	
ASW not allowed to Bid	5/2/2007	exempt	TBD
ASW files Civil Suit in Federal Court-Omaha, NE		exempt	\$9K
exempt held in Contempt of Court		exempt	
ASW-ANL-DOE Settlement Discussions		exempt	ester
DOE Chief Contracting Officer concurs with proposed settlement. No Suspension or Disbarment recommended or sought by DOE-Chicago.	6/2/2008		Now with ANL
Grand Jury Convened in Illinois	Unknown	exempt	Now with U of C
Qui tam (Whistleblower) reviewed by USA		exempt	
USA keeps ASW exempt in Qui tam; Releases all others including University of Chicago, Argonne National Lab, Walker & Burton. No explanation.			Cover-up
ASW receives Lockwood Payroll audit		Lockwood	
exempt relationship. \$50K in fees. +\$10M in work with others.		exempt	
exempt loan to Walker			
exempt accused of overbilling the government for Geoprobe.		Procurement and C.O approved	
FBI visitation to exempt home		Geoprobe Discussion	
exempt . exempt removed.		Runner-Burton-Bannon	

15-000-8952

ASW-ANL-U of C reach settlement on all issues.	6/2/2008	Federal Magistrate	
USA repeatedly threatens criminal prosecution unless civil case is settled		<i>Exempt b</i>	
Criminal Counsel Hired by: <i>Exempt b</i>		Duffy-Chicago	No changes
Criminal Counsel reports USA agrees that no criminal action to be taken.		Duffy-Chicago	
Change of Venue denied ASW despite work performed in Nebraska and Kansas.		St Eve's	
Res Judicata motion was put aside by Judge St. Eve's saying that Argonne National Lab is not a part of the US Federal government.		St Eve's	
Judge says she'll look at Res Judicata if trial goes forward.	6/30/1909	<i>Exempt b</i>	
USA routinely threatens to call <i>Exempt b</i> before Grand Jury	Throughout Ordeal	<i>Exempt b</i>	
USA requests ASW <i>Exempt b</i> offer a proffer		N/A	
<i>Exempt b</i> agree to Proffer		<i>Exempt b</i>	
No proffer conducted		<i>Exempt b</i>	
<i>Exempt b</i> agree to a 2nd proffer request		<i>Exempt b</i>	
Proffer conducted with Criminal and Civil Counsel for USA		<i>Exempt b</i>	
Investigator shows Keystone Kops investigation by asking first question about why ASW charged the gov't \$250.00 for an Agenda. Agenda, KS was a work site.		<i>Exempt b</i>	
2 Days of proffer given in Chicago		<i>Exempt b</i>	
<i>Exempt b</i> told by private Counsel (Domina) that criminal charges would go away if the civil case would be settled		<i>Exempt b</i>	
Chicago Counsel negotiates with USA on settlement		<i>Exempt b</i>	\$8M-\$15M
ASW Counsel repeatedly told by USA that they had no interest in putting ASW out of business.		Lead Investigator	
DOE informs ASW that a settlement cannot be accepted by law. They are required by law to get a Judgment.		<i>Exempt b</i>	
Chicago Counsel tells <i>Exempt b</i> criminal charges will be filed if he doesn't settle.	7/2/2012	St. Eve's	\$625K
ASW receives nothing from the USA office on court filing.	7/2/2012	<i>Exempt b</i>	\$34-\$65M
Judgment of \$625K entered by Judge St Eve's.	7/29/2012	<i>Exempt b</i>	Incalculable
DOE suspends ASW from bidding on Federal Contracts	1/6/2013	<i>Exempt b</i>	Incalculable
Line of Credit Withdrawn by Bank based on Judgment.	4/1/2013	Multiple	
Bonding ability cut off based on Judgment.	11/13/2013	Nero & Region VII EPA	
ASW loses \$24M contract with Region 7 EPA on suspension as a result of the Judgment.	4/1/2013		

15-000-8952

ASW loses stimulus funds of \$12M + over suspension based on Judgment.
 ASW suspended from Volpe Center MATOC contract based on Judgment
 ASW unable to bid on MATOC for 2009 at potential loss of \$9M based on Judgment.
 ASW has been unable to bid on any federal contracts since Judgment.

4/1/2013	Nero & Region VI: EPA	\$12M
4/1/2013	Volpe	
11/13/2013	ACE	\$9M
7/29/2012	Federal Gov't.	Incalculable

EPA prevents ASW from completing contract in Madison County based on Judgment.
 Subcontract's cancelled or not continued by Prime Contractor's based on Judgment.
 Approved Team Agreements cancelled by Prime Contractor's based on Judgment.
 ASW named winner of USACE contract.

9-28-08-Present	NERO & Region VII EPA	Terminal
	ECC	\$3M
	ECC	\$5M-\$15M
4/16/2015		\$25M MATOC

ASW Files for Chapter 11 Bankruptcy.
 USA refuses to make a simple phone call to the DOE Suspension staff and provide background and their stated position that USA had no interest in putting ASW out of business.
 Judgment directly leads to ASW business failure.
 Caterpillar Financial Services seizes equipment after Federal Bankruptcy filed.
 Revenue loss as a result of ANL, DOE, USDA, DOJ Actions on disallowed costs of approximately \$206K involving billing the government for overtime hours that we were directed to do by the government, actually did the work with real people, calculated the hourly rate properly and paid the employee's. Non-direct losses to Management time.

4/21/2015		
4/30/2015	ASW Files for Chpt 11	
5/1/2015	Caterpillar action.	
8/16/2015	ASW forced into Chapter 7	
In Process.		
		\$250K
		\$625-\$119M
		\$2.3M

ASW ends project in Madison County, MO for EPA

9/2/2014

In the contract, there were two clauses that we were not aware of until we had an audit performed and caught it. We calculated our billing based on hours of overtime worked *1.5. The government position is that

15-000-8952

we did not have the right to bill overtime and that it should have been a part of our standard rate buildup. This was our first federal contract and simply did not understand the idea of 'fully loaded' rates.

Of interest, ASW and its personnel were never asked a single question about waste, fraud and abuse by any Federal official (ANL, DOE, USDA DOJ)

In my opinion, government officials (Not all of them) involved in this case were deceptive, dishonest and unprofessional with the exception of the FBI and IRS.

After years of the so-called investigation-cover-up, the Chief Gov't. Investigator didn't realize that Agenda, KS was a USDA site and many other relevant and important facts.

OIG Audits reveal that USDA has contracting problems

OIG reports Argonne National Lab has contracting problems

ANL Contracting personnel had little experience with our contract type

University of Chicago provided no contract oversight.

DOE-Chicago provided no contract oversight.

USDA FSA and CCC provided no contract oversight.

ANL COTR ran roughshod over Contracting Office.

ANL repeatedly requested all ASW financial information. ASW Counsel repeatedly said to cooperate with financial requests within the Terms & Conditions of the contract.

15-000-8952

ANL repeatedly told this story of our unwillingness not to provide all ASW financial information. until it became fact. It was an absolute lie.

When the government requested 'ALL' ASW financial data, it was turned over within 10 days.

Despite no actual experience with the contract, ANL and other government officials who had never set foot on a single project site over four years repeatedly told falsehoods about ASW reported time cards.

NOTES

The only audit utilizing actual state and federal reports show that labor billed to the government was off to ASW's advantage or ANL's advantage on approximately \$35K.

Questionable ASW charges represented less than 1% of the \$4M contract.

Corrupt conduct by every single element of the Justice system.

ASW said on day one that mistakes were made, no one offered ASW anything in exchange and ASW never gave anything to anyone in return for favors.

We say the same thing today.

200 plus employees out of work representing a minority workforce of over 50%.

Estimated Financial Losses

\$100,000,000.00

Region 7 EPA

Contract Award for \$24M 1+ 2 one year options

Stimulus Discussions (\$25M compressed to two-years)

15-000-8952

GSA Suspension on Judgment by USA

ASW appeal of Suspension

ASW suspension lifted (Finding of negligence but no impropriety)

EPA notified ASW that Option Year 1 would not be exercised

EPA notified ASW that Option Year 1 would be exercised

EPA notified ASW that Option Year 2 would not be exercised

ASW files Claim with Region 7 EPA

Appx \$2M

C.O. Final Decision

ASW Files appeal with CBCA

REGION 7 EPA CONTRACT

ASW is awarded EPA contract #EP-R7-06-04 for Lead Remediation at Omaha Lead 4/1/10

ASW received Option award from EPA Omaha Lead Site for an additional \$2,209,375 8/1/10

Email from *DeMott* EPA Contracting stating he has nominated ASW for the EPA Administrator's Small Business Award for FY 2006 8/23/11

ASW awarded the EPA's Administ Award for Outstanding HUBZone Contractor 9/19/11 for Fiscal Year 2006 from *DeMott* Director of Office of Small and Disadvantaged Business Utilization USEPA

Madison County shows up on ASW's Lead sheet to monitor 12/2007

Solicitation for Madison County issues 8/13/2008

Amendment #1 posted 8/13/08

Email received from Chester Stovall announcing the Madison County solicitation and 8/14/2008

Site Visit and Pre-Bid conference

Amendment #2 posted 8/14/08

Amendment #3 posted 8/20/08

Storyboard for Madison County sent to ASW key personnel 8/20/2008

Questions sent to EPA for review during the pre-bid conference 8/22/08

Site visit and pre-bid conference 8/27/08

Amendment #4 posted 9/4/08

Amendment #5 posted 9/9/08

ASW meeting to review GA & OH rates 9/10/08

Amendment #6 posted 9/11/08

ASW's review of pricing for bid 9/11/08

15-000-8952

Final estimate is reviewed by ASW's personnel	9/17/08
EPA Bid opening	9/18/08
Email stating that ASW was low bidder and a contract will be issued	9/22/08
EPA Awards ASW Madison County contract, winning bid for 3 years \$24,345,902.42	9/26/12
EPA awards ASW a \$6M contract for Madison County	9/26/12
EPA issues Mod 1 and increased base award to \$6,950,725.92	10/1/12
ASW letter to <i>example</i> requesting a bond in the amount of \$1,494,220 then 20 days before a 1/3 completion of the project, a bond will be issued in similar amount, still under impression we need a \$4,482,658 bond	10/17/12
Issuance of Notice to Proceed and request for Bond from EPA, stating that bond needs to be furnished by Nov 20, 2008	11/20/12
Letter to EPA stating ASW fully intends to submit bonds as requested	11/21/12
Show cause notice from EPA and states ASW needs a \$3M bond no later than 12/6/08	11/25/12
Bond submitted for approval to EPA	12/10/12
Letter from EPA accepting bond	12/19/12
DOE suspends ASW from bidding on Federal Contracts	1/6/13
<i>example</i> requests OT rates	1/23/13
<i>example</i> doesn't agree with ASW's methodology to compute OT rates and states that it isn't EPA's responsibility to make a contractor whole	1/29/13
<i>example</i> agrees to ASW's OT rates and adds a 10% provisional GA rate for ODC's	2/19/13
Letter from EPA stating they are considering exercising one or more of the options on ASW's current contract with a possible max value of \$24,401,934. The request is subject to ASW's name being removed from EPLS	2/26/13
Letter from <i>example</i> asking for ASW's concerns/questions in regards to having the stimulus money	3/5/13
<i>example</i> requests daily rates on some equipment	3/6/13
EPA receives a FOIA request on ASW's bond	3/10/13
EPA letter stating they would not exercise option 1 of contract based on ASW being on EPLS list	4/3/13
Email from <i>example</i> stating the only reason we (EPA) would get involved in hiring if ASW would increase crew size"	4/4/13
<i>example</i> authorizes ASW to hire 2nd foreman	4/7/13
ASW requests additional excavation crew in an email	4/23/13
EPA issues Mod 3 increasing the base year contract ceiling amt to \$9,673,682	5/8/13
EPA issues Mod 4	6/2/13

15-000-8962

EPA issues solicitation for stimulus money work at Madison County 6/10/13

ASW email to Emily Wheeler stating ASW is fully aware of the need to be cost effective and that we won't come close to contract amount 6/11/13

ASW files Claim with Region 7 EPA

Appx \$2M

C.O. Final Decision

ASW Files appeal with CBCA

Federal & State Agencies

Federal Court, Chicago

Federal Court, Omaha

USA's Fitzgerald, civil, criminal

USA

Now with U of C

Federal Bureau of Investigation

United State's Department of Agriculture

Farm Service Agency

Commodity Credit Corporation

Department of Energy-Chicago

Department of Energy-DC

University of Chicago

Argonne National Laboratory

Environmental Research Division

Applied Geochemistry and Environmental Management

OIG-USDA

EPA, Region 7

Nebraska Department of Environmental Quality

Kansas Department of Health and Environment

Internal Revenue Service

US Federal Bankruptcy Court

Lancaster County District Court

Lancaster County Court

Civilian Board of Contract Appeals

OIG-EPA

15-000-8952

The People

Exempt

Exempt

Exempt

Exempt

Exempt

Exempt

Exempt

Exempt

Exempt

Exempt

FSA Head

NDEQ POC

KDHE POC

CHICAGO

St Eves

Exempt

Exempt

Criminal Chief at USA

USA Fitzgerald

USA Criminal Division

USA Assistant Civil

Grand Jury

Attorney for Argonne Resigned

Administrator Terminated

Scientist Terminated

Geologist Terminated

The Whistleblower

USDA-ANL The Connection

The Consultant Road Kill

The Beauty Road Kill

ANL Mgmt

ANL Auditor

ANL Mgmt

The Absent Minded C.O.

DOE-Chicago C.O. Now with ANL

Federal Judge

US Magistrate It's Over

The Dazzler

Federal Judge

Civil Counsel Son of Federal Judge

Criminal Counsel Former Asst. USA

Criminal Counsel-Ch Former Head of Crim Div-USA

USA

15-000-8952

REGION 7 EPA

Exempt
Exempt
Exempt
Exempt

Preston Law

Private Corporations

Lawyers

EPA Contracting Officer

EPA

EPA SADBUI

Contracting Officer

COTR

COTR

HOW MUCH DID THIS ALL COST

\$100,000,000.00

Who had a role?

FOIA on all information

Amount spent on the issue

Final disposition

Bankruptcy

Foreclosure

Credit Destroyed

Financial Line of Credit Destroyed

AL- 15-000-8952



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OFFICE OF THE
REGIONAL
ADMINISTRATOR

JUN 01 2015

The Honorable Deb Fischer
United States Senate
Washington, D.C. 20510

Dear Senator Fischer:

Thank you for your letter of May 8, 2015, to the U.S. Environmental Protection Agency on behalf of your constituent *exempt* of ASW Associates, Inc., and the appeal that is pending before the Civilian Board of Contract Appeals, CBCA No. 2326.

I appreciate the opportunity to respond to your two requests, which were first that I "review *exempt* case to ensure that there is no bias or discrimination" and second that I conduct an "immediate review of the process for moving an alternative disputes resolution between ASW Associates, Inc. and the EPA." My responses to both of your requests are below.

First, I can assure you that during contract performance the Agency treated *exempt* equitably and respectfully, and that the same has occurred and will continue to occur during the pendency of *exempt* CBCA appeal.

Second, the Agency has declined to enter into Alternative Dispute Resolution with *exempt* because to date *exempt* has failed to provide any evidence of entitlement to the monies claimed in his CBCA appeal. With regard to the issue of entitlement, on April 8, 2015, the CBCA ordered *exempt* to file by July 8, 2015, any documentary evidence and, any factual and legal arguments in support of his claim. After receipt and review of *exempt* submission, should the Agency determine that *exempt* *exempt* has shown evidence of entitlement to the monies at issue in the claim, the Agency may choose to re-evaluate its position on ADR.

Again, thank you for your letter. If we can be of any further assistance, please feel free to contact me at 913-551-7006, or your staff may call LaTonya Sanders, Congressional Liaison, at 913-551-7555.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Hague".

Mark Hague
Acting Regional Administrator



AL 15-001-0544

JOE WILSON
2ND DISTRICT, SOUTH CAROLINA

ASSISTANT MAJORITY WHIP

COMMITTEES:
ARMED SERVICES
CHAIRMAN, PERSONNEL SUBCOMMITTEE
FOREIGN AFFAIRS
EDUCATION AND THE WORKFORCE
HOUSE REPUBLICAN POLICY

Congress of the United States
House of Representatives

COUNTIES:
AIKEN
BARNWELL
LEXINGTON
ORANGEBURG*
RICHLAND*
(*PARTS OF)

June 17, 2015

Ms. Laura Vaught
Assoc. Administrator for Congressional & Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue NW, Room 3426 ARN
Washington, D.C. 20460-0003

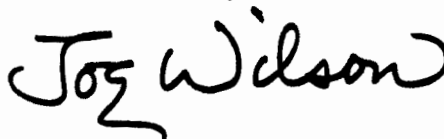
Dear Ms. Vaught,

I am writing to you on behalf of a constituent who has contacted me regarding an issue involving the Environmental Protection Agency. A copy of the correspondence is enclosed for your convenience.

Your kind assistance would be greatly appreciated. Please respond to Martha Ruthven at the Aiken District Office at 1930 University Parkway, Suite 1600, Aiken, South Carolina 29801. The phone number is 803-642-6416. The fax number is 803-642-6418. The e-mail address is Martha.Ruthven@mail.house.gov.

It is an honor to represent the people of the Second Congressional District of South Carolina, and I value your input. If I may ever be of assistance to you, please do not hesitate to contact me.

Sincerely,



JOE WILSON
Member of Congress

JW/mr

MIDLANDS OFFICE:
1700 SUNSET BLVD. (US 378), SUITE 1
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(803) 939-0041
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AIKEN, SC 29801
(803) 642-6416
FAX: (803) 642-6418



CONGRESSMAN JOE WILSON

Second District of South Carolina

Privacy Release

Consent for Release of Personal Records by Executive Agencies

To Whom It May Concern:

I have sought assistance from the Office of Congressman Joe Wilson on a matter that may require the release of information maintained by your agency, and which may be prohibited from dissemination under the Privacy Act of 1974. I hereby authorize you to release all relevant portions of my records or to discuss information involved in this case with Congressman Wilson or any authorized member of his staff until the matter is resolved.

Name of Agency: <u>EPA</u>		<u>Exempt</u>	
Name (please print) <u>Exempt</u>		Date of Birth <u>Exempt</u>	
		TrentonSC	29847
Address	City	Zip	
	<u>Exempt</u>		
Social Security Number	E-mail Address <u>Exempt</u>		
Telephone Number - Home <u>Exempt</u>	Telephone Number - Cell		
	June 16, 2015		
Signature	Today's Date		
Please briefly explain your concern (use the back if necessary): <u>See attached</u>			

Congressman Joe Wilson (SC-02)
1930 University Parkway, Suite 1600 | Aiken, SC 29801
Phone: (803) 642-6416 | Fax: (803) 642-6418

exempt

From: exempt
Sent: Friday, June 12, 2015 12:57 AM
To: exempt
Subject: Stormwater runoff problem
Attachments: South Carolina stormwater management and sediment control handbook for land disturbance activities ; by the South Carolina Department of Health and Environmental Control.html; Title 48.odt; DHEC Complaint letter.odt; DHEC decision 5-22-15.odt; Stormwater contacts.odt; SANY0249.JPG

Good morning Martha,

We spoke yesterday and this is as brief as I could make it and still convey the issues. We have been having a stormwater runoff problem for the last 5 yrs. However; for over 30 yrs prior to 2010, we have had no problems with stormwater runoff, any type of flooding, any type of rising water or soil erosion. However in 2010 something around us changed to begin causing excessive water runoff during rain events. We have discovered the water is coming from a near by commercial nursery and drainage from state highway 25. The county roads are not being properly maintained to minimize overflow to private property, such as no ditches for the water to run in. There has also been recent business developments that have increased the stormwater runoff into our neighborhood community causing flooding. The end result has been noticeable: severe soil erosion, severe sediment deposits, chemical deposits found on private property, hazardous chemicals runoff from a recycling center, pesticide runoff onto private property. All this runoff is going into our ponds and creeks that feed Stevens Creek then on to the Savannah River.

With all the time & effort we the community have put in to identifying the source of the water problems; the individuals and agencies we have contacted to inform them of our findings; our requests for preventative measures to be implemented being denied; the requests to have the county road ditch lines cleaned and refusal to do so; the lack of consideration to address our problem with equal consideration as people soliciting in the area; only shows us where the focus is not. Every suggestion we have offered or request we asked for to prevent further damage, has been shot down faster that a 20 lb turkey on opening day. It's great to see the importance of controlling solicitation as a preventative measure for public safety, however; it's extremely sad to see they do not place the same level of concern for public safety to save a mans home from destruction by preventative measures well within their reach and control.

Our taxpayer money is being spent to maintain areas of county roads damaged repeatably by preventable causes. Yet the county has made no effort to address the problem at the source or hold the parties causing the problem accountable for 3 county roads damaged by neglect of their water collection system repeatedly over the last 5 yrs. We have attempted to work with our government at the local level but the response we have received to this point lacks the urgency needed to prevent further damage or total loss of our homes by the time they decide what to do. It has been made clear by their lack of action to implement preventative measures, we must protect our property ourselves. Doing nothing is as much of the problem as having to ask an attorney for permission to do your job.

I am attaching the area of law I found that I believe should apply, our complaint letter to DHEC and their reply. They are issuing a "Grandfathered Law" as well as DHEC agriculture exemption to a business operation that has not requested an exemption nor is it permitted by DHEC as an agricultural operation. The exemption clearly states it is "for a soil disturbance activity" of an agriculture operation; that does not describe a commercial nursery operation due to no soil

disturbance activities occur; the soil surface is modified to shed water rather than absorb it for the purpose of collecting and recycling rain water for irrigation. They have failed to properly maintain their water collection system resulting in excessive stormwater runoff causing severe damage to private property, contamination of state and federal waterways as well as private spring fed ponds with chemical runoff and sediment deposits. This should hardly be an acceptable, exemptable or tolerable way to operate in the State of South Carolina based on Title 48. For DHEC to take this position would be hard to decide if it would be neglect of duty or an act of malfeasance; but I believe both.

Exempt 6
Exempt 6

Trenton, SC

Edgefield county

--

" Be together, not the same. "

" Read the Declaration of Independence again. "

" If you're not upset about something, you're not paying attention ! "